

7 FAM 930 OTHER EVIDENCE GATHERING

7 FAM 931 TESTIMONY BY LETTERS ROGATORY

7 FAM 931.1 Purpose

(TL:CON-60; 6-17-94)

a. When a witness is unwilling to testify *voluntarily*, the usual way to compel the required evidence is *by* a letter rogatory--a letter of request from a court in one country to a court in another country, requesting judicial assistance. *Another major purpose of letters rogatory is to serve legal documents.* For a sample letter rogatory, see 7 FAM 931 Exhibit 931.1 . For general guidance, see 22 CFR 92.54 and 92.66.

b. *The power of federal courts to issue letters rogatory derives from U.S.C. 1781 and from the court's "inherent" authority.*

c. Letters rogatory typically take from 6 months to a year to execute. *Persons who inquire concerning this option should be advised of the protracted time frame involved.* Consular officers should *nevertheless* make monthly inquiries of the host government to trace their progress.

7 FAM 931.2 Issuance

(TL:CON-60; 6-17-94)

a. Letters rogatory must be issued under the seal of the court and the signature of the judge and addressed, simply:

To the appropriate judicial authority of
(name of country).

b. In some foreign jurisdictions, the request must be authenticated by the consul of the foreign country in the United States or authenticated in accordance with the Hague Legalization Convention [see section 7 FAM 853]. Requests under the Hague Evidence Convention need no authentication; *submit them* directly to the foreign central authority.

7 FAM 931.3 Submission to Department

(TL:CON-60; 6-17-94)

Letters rogatory and accompanying documents must be translated into the language of the foreign country and submitted in duplicate (an original and one copy of both the English language version and the translation) *directly* to the Department (CA/OCS) or to the U.S. Embassy *for forwarding to CA/OCS*. The Department also requires *submission* of a certified check or international money order for \$140 [see Tariff of Fees, Item 69a], made payable to the American Embassy, with the documents as a deposit for costs incurred in executing the request.

7 FAM 931.4 Submission to Foreign Ministry

(TL:CON-60; 6-17-94)

a. When the documents have been reviewed by the Department (CA/OCS) for compliance with these provisions and host country requirements, they are sent to the consular officer. The officer's role in the execution of the letter rogatory is not limited to transmitting the documents to the Foreign Ministry. The officer must also report to the Department (CA/OCS):

- (1) The date the documents were received at the post;
- (2) The date they were transmitted to the Foreign Ministry; and
- (3) The dates they were received by the Ministry of Justice and the court that is to execute the request.

b. For a sample diplomatic note transmitting a letter rogatory and a preparation guide, see 7 FAM 931 Exhibit 931.4b .

7 FAM 931.5 Return of Executed Letter Rogatory to the Department

(TL:CON-60; 6-17-94)

When a letter rogatory has been completed, return it to the Department in an envelope sealed with a rubber seal and bearing the mailing address of the clerk of the court in the United States from which the request came, as well as the name and docket number of the case. Before placing the executed request in the envelope, the consular officer should endorse on it a certificate stating the date and place of its receipt [see 7 FAM 931 Exhibit 931.5].

7 FAM 931.6 Retention of Local Counsel for a U.S. Prosecutor

(TL:CON-60; 6-17-94)

Some countries require that local counsel be retained when testimony or other evidence is to be obtained by letters rogatory. In such cases consular officers will be called upon by the Federal agency concerned to retain a local attorney for the prosecutor in the United States. Be certain to receive an appropriation number and funding code before retaining such counsel [see also section 2 FAM 283].

7 FAM 932 Foreign Requests for International Judicial Assistance From U.S. Tribunals

(TL:CON-60; 6-17-94)

The Department's position on the assistance that the United States will give to foreign tribunals in judicial assistance matters is stated in the Secretary's circular diplomatic note of February 3, 1976. *This note deals with the service of judicial documents, requests for evidence (testimony, statements, documents or things); and other requests, including requests for the enforcement of judgments, which the Department will return unexecuted because they may not be enforced by means of a request for judicial assistance [see 7 FAM 932 Exhibit 932].*

7 FAM 933 EXPEDITIOUS EVIDENCE GATHERING: AUTHENTICATED COPIES OF DOCUMENTARY AND PHYSICAL EVIDENCE

7 FAM 933.1 Urgent Need for Evidence

(TL:CON-60; 6-17-94)

a. Government agencies often require documentary and physical evidence relating to criminal and civil cases pending in U.S. courts. The constraints of the Speedy Trial Act (18 U.S.C. 3161) or similar State laws frequently require that such evidence be obtained expeditiously. Requests for evidence must come from the Department and should be given priority by the consular officer.

b. In no case should a consular officer obtain documentary evidence (corporate or bank records, for example) in a civil or criminal case, when such requests are made by private persons or do not come through the usual channels of the host country judicial system. If a request comes from outside the Department, consult CA/OCS before providing assistance for clarification of the propriety and validity of the request.

7 FAM 933.2 Scope of Consular Assistance

(TL:CON-60; 6-17-94)

a. While not an investigative agency, the Department sometimes will ask consular officers to obtain records (such as business registrations and bank records) where there is a government interest.

b. Occasionally, a consular officer may be requested to perform such tasks as obtaining authenticated copies of fingerprints, voiceprints, handwriting analysis reports, host country passport files or photographs, or arranging for appraisals or for medical examinations of witnesses. All such evidence must be authenticated [see 7 FAM 850].

7 FAM 933.3 Expeditious Transmission of Evidence

(TL:CON-60; 6-17-94)

a. A consular officer may be asked to send evidence to the Department by pilot package on a commercial aircraft. In such cases, be sure that the requesting party understands that the airlines charge for such services and that payment must be arranged in advance (in the form of a Federal appropriation number and fund code, *ideally* prepayment of the carrier: *alternatively* by monies received by the Department).

b. *At times*, requesting U.S. authorities may send messengers to hand-deliver the evidence or request that post personnel traveling to Washington hand-deliver the evidence to the Department (CA/OCS).

7 FAM 934 ABSENCE OF OFFICIAL RECORD

(TL:CON-60; 6-17-94)

The certification of absence of official record [see section 7 FAM 856.7] should be used when appropriate, and the documents must then be authenticated by the consular officer, using the specific Authentication Certificate [see 7 FAM 856 Exhibit 856.7].

7 FAM 935 INTERNATIONAL CONVENTIONS ON EVIDENCE

7 FAM 935.1 The Hague Evidence Convention

(TL:CON-60; 6-17-94)

a. The Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters [see section 7 FAM 912.3 a] *is a multilateral treaty that establishes procedures for the taking of evidence on notice and commission and the compelling of evidence pursuant to a formal letter of request transmitted in accordance with the Convention to the foreign central authority. Some countries that are party to the Convention have made reservations and declarations regarding the applicability of each article of the Convention in their country.* Persons interested in the Convention should examine those reservations and declarations, which are reprinted *in the annotation to 28 U.S.C.A. 1781 and in the Law Digest volume of the Martindale-Hubbell Law Directory under Selected International Conventions.*

b. A model letter of request *recommended for use* can be found following the text of the Convention (see 7 FAM 912 Exhibit 912.5b). Under the terms of the Convention, each country establishes a “central authority” that receives requests and monitors their execution.

c. The U.S. Central Authority for the Hague Evidence Convention is the Office of International Judicial Assistance, Civil Division, Department of Justice, Washington, D.C. 20530. Letters of request *by parties in the United States* pursuant to the Convention are transmitted by the requestor directly to the foreign central authority. *Because* the consular officer may be called to contact the central authority in the host country to ascertain the status of a request, the officer should maintain a current record of the name and address of the host country central authority.

d. The Hague Evidence Convention is in force in the following countries: *Argentina (excluding the Malvinas, and the islands of South Georgia and South Sandwich), Australia, Barbados, Cyprus, Czech Republic, Denmark, Finland, France, Federal Republic of Germany, Israel, Italy, Luxembourg, Mexico, Monaco, The Netherlands (including Aruba), Norway, Pakistan, Portugal, Singapore, Slovak Republic, Spain, Sweden, United Kingdom (with extension to Hong Kong, Gibraltar, sovereign base areas of Akrotiri and Dhekalia on the island of Cyprus, Falkland Islands and Dependencies, Isle of Man, Cayman Islands), and the United States.*

7 FAM 935.2 Treaties for Mutual Assistance in Criminal Matters ("MLATS")

(TL:CON-60; 6-17-94)

Treaties between the United States and other countries providing mutual assistance in criminal matters establish a channel for judicial assistance between the U. S. Department of Justice and the foreign Ministry of Justice (see also section 7 FAM 112.8). In such countries the consular officer is *required* only to administer oaths or to make other usual arrangements for the taking of a deposition. *When unusual circumstances pertain, contact the Department (CA/OCS) for guidance.*

7 FAM 936 THROUGH 939 UNASSIGNED

7 FAM 931 Exhibit 931.1a

(TL:CON-60; 6-17-94)

SAMPLE LETTER ROGATORY

Court of First Instance of San Isidro
Province of Buenos Aires, the Argentine Republic

Argentine Republic

Docket Number: 14225

v.

Alfredo Benito Fernandez

The Court of First Instance of San Isidro, Province of Buenos Aires, Republic of Argentina presents its compliments to the Appropriate Judicial Authority of the United States of America and requests international assistance to obtain evidence to be used in a criminal proceeding before this Court in the above captioned matter. A hearing on this matter is at present scheduled for August 12, 1994, in San Isidro, Province of Buenos Aires, Republic of Argentina.

This Court requests the assistance described herein the interests of justice. The Appropriate Judicial Authority of the United States of America is requested to compel the appearance of the below named individual to give evidence and produce documents concerning dealings with *Monalvo, Sanchez & Fernandez, S.A. and Alfredo Benito Fernandez*.

Witness: Juan Miguel Block
5610 Forest Glen Ave. N
Chicago, Illinois 60646

The case concerns (1) violation of Sections 786 and 432 of the Argentine penal code, perpetrating a fraud in the matter of transportation and sale of faulty electronic equipment and (2) violation of Section 1784 of the Argentine customs regulations in the matter of transportation and sale of electronic equipment without a license. See attached statement of particulars.

Also attached is a list of questions to be put to the witness. The Court of First Instance of San Isidro is willing to provide similar assistance to the judicial authorities of the United States of America. The Court will also reimburse the judicial authorities of the United States of America for all costs incurred in executing this letter rogatory.

(Signature of Judge)

Jose Luis Garcia Fuentes

(Typed Name of Judge)

Court of First Instance

(Name of Court)

San Isidro, County of Buenos
Aires, Republic of Argentina

(Location of Court)

June 22, 1994

(Date)

(SEAL OF COURT)

7 FAM 931 Exhibit 931.4b

(TL:CON-60; 6-17-94)

SAMPLE OF A DIPOMATIC NOTE TRANSMITTING A LETTER ROGATORY

(Appropriate complimentary opening)

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and requests the Ministry's aid in transmitting the enclosed request for international judicial assistance to the appropriate judicial authority of the Republic of Argentina.

The Circuit Court for the Fifth District of California has transmitted the annexed letter rogatory in the matter of *Syvia Maria Gomez de Suarez v. Jose Antonio Munoz Rivas*. The case is a civil matter pending before the Circuit Court for the Fifth District of California concerning a motion for divorce. The letter rogatory requests that service of process be effected upon *Jose Antonio Munoz Rivas* at the address listed in the letter rogatory, 1258 *Avenida Colombia*, Buenos Aires, Argentina. The Circuit Court has provided funds to reimburse any costs incurred in executing the letter rogatory.

The Embassy is grateful for the Ministry's assistance in the interests of justice. Be assured that the Circuit Court will provide similar assistance to the judicial authorities of Argentina. The Embassy would appreciate being kept advised of the progress of the letter rogatory specifically the date it is assigned to the appropriate judicial authority for service.

(Appropriate complimentary closing)

GUIDE FOR PREPARATION OF A DIPLOMATIC NOTE TRANSMITTING A LETTER ROGATORY

In addition to following standard guidelines for preparation of a diplomatic note, be sure to:

1. Include the name of the court which has action in the case.
2. Specify the names of the litigants.
3. Indicate whether the case involves a civil or criminal matter.
4. Specify what type of case is involved (brief details).
5. Mention the type of action to be effected (service of process/obtaining evidence).
6. Name the person to be served or deposed.
7. Include the full address given in the letter rogatory.
8. Indicate the arrangement for payment of costs of service.
9. Specify the concern for the pursuit of justice.
10. Volunteer reciprocal assistance.
11. Request that the Ministry keep the post informed of progress in execution of the request.

(For instructions on how to format a diplomatic note, see the Department's Correspondence Handbook, 5 *FAH-1* .)

7 FAM 931 Exhibit 931.5

(TL:CON-60; 6-17-94)

CERTIFICATION RETURNING AN EXECUTED LETTER ROGATORY

VENUE.

<u>Japan</u>)	
(Name of Country))	
<u>Prefecture of Tokyo</u>)	
(Name of County, Province, etc.))	
<u>City of Tokyo</u>)	ss:
(Name of City))	
<u>Embassy of the United States of America</u>)	
(Name of Foreign Service Post))	

I hereby certify that I received the annexed letters rogatory and accompanying documents on the date shown below.

April 15, 1994

(Date of Receipt)

Ministry of Foreign Affairs
of Japan

(Transmitting Authority)

(Signature of Consular Officer)

Marlowe K. Thurgood

(Typed Name of Consular Officer)

Vice Consul of the United States of America

(Title of Consular Officer)

April 19, 1993

(Date)

(SEAL)

7 FAM 932 Exhibit 932

(TL:CON-60; 6-17-94)

EXCERPT, CIRCULAR DIPLOMATIC NOTE FROM THE SECRETARY OF STATE, DATED FEBRUARY 3, 1976

The Secretary of State presents his compliments to Their Excellencies, Messieurs and Mesdames the Chiefs of Mission, and has the honor to inform them of the types of judicial assistance afforded to foreign tribunals and to litigants before such tribunals by the Government of the United States.

SERVICE OF JUDICIAL DOCUMENTS

The first category of assistance concerns the formal delivery of legal documents in the United States. Upon the request of the Department of State, the Department of Justice, through the United States Marshals Service, will attempt to deliver legal documents to persons or entities within the jurisdiction of the United States and, if successful, will return to the requesting authority a certificate stating the time and place of service. The Department of State will transmit requests for service of process received through diplomatic channels to the Department of Justice for execution provided:

- the request originates with a foreign tribunal or other judicial authority;
- the document is issued in connection with a judicial proceeding pending before such tribunal or judicial authority;
- the request and the document to be served are translated into English;
- two sets of the document and its translation are supplied (one set will be served and the other will be returned by the Marshals Service together with the proof of service);
- each request is accompanied by a check or money order in the amount of \$15.00, payable to the Treasurer of the United States;
- a full name and street address is given for the individual or entity to be served (personal service cannot be made if only a post office box number is given); and
- every document issued for the purpose of notifying an individual of a hearing at which the individual's rights or obligations may be affected is received in the Department of State at least forty-five days prior to the date set for the hearing.

Requests for service transmitted through diplomatic channels need not be legalized or authenticated if the transmittal note confirms that the request emanates from duly constituted tribunal or other judicial authority of the requesting country.

Documents conforming to the foregoing requirements will be forwarded promptly to the Department of Justice for service by the Marshals Service in the manner provided for the service of similar documents in domestic actions (see pertinent excerpts from Rule 4 of the Federal Rules of Civil Procedure, enclosure 1), unless another manner is specified in the request. The Marshals Service will make diligent efforts to serve the document, but if service cannot be made after three attempts, it will be returned together with a written statement showing the dates, times and the place where service was attempted. If the designated recipient has moved, the Marshals Service will try to ascertain the forwarding address and cause the document to be served at that address without additional charge to the requesting authority.

It should be noted that formal service of foreign judicial documents as set forth above does not, of itself, require the recognition or enforcement in the United States of any ensuing judgment which may be rendered by a foreign tribunal.

As regards delivery of foreign judicial documents in the United States generally, the United States has no objection to the informal delivery of such documents by members of diplomatic or consular missions, through the mails, or by private persons, provided no compulsion is used.

The Secretary wishes to direct the attention of the Chiefs of Mission to the existence of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague on November 15, 1965, which offers a simplified and speedy method of serving foreign documents in the United States. The Convention is presently in force in the United States and provides for accession by other States.

EVIDENCE

Obtaining evidence for use in a proceeding in a foreign tribunal is the second category of judicial assistance afforded to foreign tribunals and to litigants before such tribunals by the Government of the United States. (As used herein, evidence means the giving of testimony or statements, or the production of documents or other things.) The Department of State will forward requests for evidence to the Department of Justice for execution provided the request:

- emanates from a foreign tribunal or other judicial authority;
- is translated into English, and two copies of the request and of the translation are furnished;
- specifies the names and address of the parties to the proceedings and the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto;
- gives the full name, street address and relationship to the evidence of the person or entity from whom the evidence is sought;
- specifies the evidence to be obtained with particularity (e.g., by listing the questions to be put to the witness or providing a statement of the subject matter about which the witness is to be examined, or by identifying the documents or other objects to be produced); and -- is accompanied by a statement from the Embassy guaranteeing payment by the Embassy of costs incidental to execution of the request.

In criminal cases, in which the person to be examined is a defendant, suspect, or a potential defendant or suspect, the request should also set forth the testimonial privileges which may be available to such person under the law of the requesting State.

Conforming requests will be transmitted to the Department of Justice for execution in the judicial district in which the subject of the request is located. A representative of the Department of Justice will communicate with the person or entity from whom the evidence is sought ("the witness"), and will request that the evidence be supplied voluntarily. If the witness accedes, his statement will be taken under oath or affirmation (under penalty of perjury) before a notary public. The statement will be returned to the requesting authority, together with a copy of the request.

If the evidence sought is a document or other thing, and is provided voluntarily by its custodian, it will be transmitted to the requesting authority in the same manner. (The custodian may require, as a condition of his cooperation, payment of costs by the Embassy, and assurance that the evidence will be returned.)

If the witness declines to produce the evidence voluntarily, a representative of the Department of Justice will petition the competent Federal district court to apply appropriate measures of compulsion requiring the witness to produce the evidence. If the petition is granted, the court will enter an order authorizing the issuance of appropriate subpoenas and appointing a "commissioner" to secure the evidence. (Under United States law a judge seldom, if ever, secures the evidence himself.) The "commissioner" may be a person designated by the requesting authority. If the witness fails to obey the court order he may be punished for contempt of court, unless the information sought is subject to a legally applicable privilege.

Requests for evidence transmitted through diplomatic channels need not be legalized or authenticated if the transmittal note confirms that the request emanates from a duly constituted tribunal or other judicial authority of the requesting country.

The Secretary of State wishes to note that there is no requirement that requests for judicial assistance be referred to the Department of State for execution; the Federal statute which authorizes Federal district courts to render assistance to foreign tribunals provides that such requests may be presented directly to the courts by "any interested person" (see enclosure 2). Direct presentation to a court of the United States does not, however, mean the mailing or transmitting of a request to a judge or to a clerk of the court; it means a formal presentation through counsel.

The Secretary of State also wishes to point out that the United States does not object to the informal taking of testimony by members of diplomatic or consular missions, or by private counsel, from witnesses in the United States, provided the witness agrees voluntarily to give testimony and no compulsion, threats or intimidation is used. If foreign officials, other than members of diplomatic or consular missions, engage in the securing of testimony in the United States, the Department of State should receive advance notification of that fact.

The Secretary of State further wishes to direct the attention of the Chiefs of Mission to the existence of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, adopted at the Eleventh Session of the Hague Conference on Private International Law on October 26, 1968, which is presently in force in the United States. The Convention facilitates the transmission and execution of evidence requests, accommodates the different methods which States use for this purpose, and permits the submission of requests in French or English. The Convention provides for accession by other States.

OTHER REQUESTS

The Department of State receives from time to time a variety of requests from foreign tribunals asking, for example, that their judgments be executed; that custody or alimony decrees be enforced; that property in the United States be sequestered; that witnesses in the United States be compelled to attend hearings in a foreign tribunal; or that an investigation of certain matters be conducted by a court of the United States. Such requests are beyond the scope of the authority granted to the courts by law (see enclosure 2); foreign judgments, decrees or orders cannot be enforced in the United States by means of a request for judicial assistance, and the Department of State will return such request unexecuted. Return of a request under these circumstances does not imply that a judicial remedy is not available in the United States; it simply means that the remedy cannot be had through the medium of letters rogatory. Under the laws of the United States, an individual seeking to enforce a foreign judgment, decree or order in this country must file suit before a competent court.

The court will determine whether to give effect to the foreign judgment. As with most legal proceedings, it is necessary to retain counsel to conduct the suit.

In all cases, the Department's primary consideration will be the furtherance of the administration of justice through effective cooperation with the judicial authorities of other States, subject to the condition of reciprocity and the limitations imposed by United States law.

Enclosures:

As stated

Department of State,

Washington,

February 3, 1976

Enclosure 1

TITLE 28, UNITED STATES CODE, APPENDIX. - -

Rules of Civil Procedure

Rule 4. - - Process

* * *

(c) By Whom Served. Service of all process shall be made by a United States marshal, by his deputy, or by some person specially appointed by the court for that purpose, except that a subpoena may be served as provided in Rule 45. Special appointments to serve process shall be made freely when substantial savings in travel fees will result.

(d) Summons: Personal Service. The summons and complaint shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made as follows:

(1) Upon an individual other than an infant or an incompetent person, by delivering a copy of the summons and of the complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process.

(2) Upon an infant or an incompetent person, by serving the summons and complaint in the manner prescribed by the law of the state in which the service is made for the service of summons or other like process upon any such defendant in an action brought in the courts of general jurisdiction of that state.

(3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

(4) Upon the United States, by delivering a copy of the summons and of the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court and by sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia, and in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to such officer or agency.

* * *

(7) Upon a defendant of any class referred to in paragraph (1) or (3) of this subdivision of this rule, it is also sufficient if the summons and complaint are served in the manner prescribed by any statute of the United States or in the manner prescribed by the law of the state in which the district court is held for the service of summons or other like process upon any such defendant in an action brought in the courts of general jurisdiction of that state.

* * *

(g) Return. The person serving the process shall make proof of service thereof to the court promptly and in any event within the time during which the person served must respond to the process. If service is made by a person other than a United States marshal or his deputy, he shall make affidavit thereof. Failure to make proof of service does not affect the validity of the service.

Enclosure 2

TITLE 28, UNITED STATES CODE

Section 1782. Assistance to foreign and International tribunals and to litigants before such tribunals.

(a) The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure. A person may not be compelled to give his testimony or statement or to produce a document or other thing in violation of any legally applicable privilege.

(b) This chapter does not preclude a person within the United States from voluntarily giving his testimony or statement, or producing a document or other thing, for use in a proceeding in a foreign or international tribunal before any person and in any manner acceptable to him. (June 25, 1948, ch. 646, 62 Stat 949; May 24, 1949, ch. 139, Section 93, 63 Stat 103; Oct. 3, 1964, Pub. L. 88-619, Section 9(a), 78 Stat. 997.)